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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,216	12/26/2001	Robert T. Long SR.	1547520/86600	7380
7590 05/11/2007				
Kent A. Herink, Esq. Suite 2500, The Financial Center 666 Walnut Stret Des Moines, IA 50309				
			EXAMINER	
			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	
			MAIL DATE	DELIVERY MODE
			05/11/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/033,216	<b>Applicant(s)</b> LONG, ROBERT T.	
	<b>Examiner</b> Basil Katcheves	<b>Art Unit</b> 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25-38 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25-38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attached figure</u> .                  |

## DETAILED ACTION

Applicant has cancelled claims 1-24 and added claims 37 and 38. Pending claims 25-38 are examined below.

### ***Claim Rejections - 35 USC § 102***

**Claims 25, 26, 28-32, and 34-36 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,805,366 to Long as in the previous office action.**

Regarding claims 25 and 29, Long discloses a wall panel comprised of insulation (fig. 2: 13) spaced between concrete layers (fig. 2: 14 & 16), having a plurality (fig. 1) of elongated connectors extending through the insulation layer and having opposite ends embedded in the concrete layers, wherein each connector has non-colinear (see marked figure) longitudinally extending portions (fig. 4: 21 & 28), laterally (linearly) spaced apart and connected by an internal web (fig. 4: 20) of thinner or equal thickness. Long also discloses each connector as having first and second anchorage surfaces (fig. 4: 22 & 31) capable of transferring forces along the longitudinal portions.

Regarding claims 26 and 31, Long discloses the connector as inherently capable of transferring forces between concrete layers.

Regarding claims 27 and 32, Long discloses the connector as having a centrally located region comprising a perpendicularly extending lip (fig. 4: 32 & fig. 2: 36 & 38) for locating the connector within the insulation layer.

Regarding claim 30, Long discloses anchoring surfaces (fig. 4: 22 & 31) adjacent to the ends (51 & 52) which are inherently capable of transferring forces through the longitudinal portions.

Regarding claim 34, Long discloses the anchorage ends (22 & 31) as being anchored in concrete layers (fig. 2: 14 & 16) and are inherently capable of transferring forces from one concrete layer to the other.

Regarding claims 35 and 36, Long discloses an anchoring surface formed transversely across the longitudinally extending portion (fig. 4: components 39 & 36 occupy a plane which is transverse to the longitudinally extending portions 21 & 28).

Regarding claims 37 and 38, Long discloses a wall panel comprised of insulation (fig. 2: 13) spaced between concrete layers (fig. 2: 14 & 16), having a plurality (fig. 1) of elongated connectors extending through the insulation layer and having opposite ends embedded in the concrete layers, wherein each connector has parallel longitudinal extending portions (see marked figure; fig. 4: 21 & 28), laterally (linearly) spaced apart and connected by an internal web (fig. 4: 20) of thinner or equal thickness. Long also discloses each connector as having first and second anchorage surfaces (fig. 4: 22 & 31) capable of transferring forces along the longitudinal portions.

***Claim Rejections - 35 USC § 103***

**Claims 28 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,805,366 to Long in view of U.S. Patent No. 5,996,297 to Keith as in the previous office action.**

Regarding claim 28 and 33, Long does not disclose the connector as made from a fiber reinforced polymer having lower conductivity than steel, wherein the polymer is thermoplastic resin and thermoset resin. Keith discloses a connector for insulated walls made from such materials (column 4, lines 38-40 & column 12, lines 58-64). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Long by using the polymer material, as disclosed by Keith, in order to decrease weight while increasing the strength of the connector.

***Response to Arguments***

Applicant's arguments filed 2/8/07 have been fully considered but are not persuasive. The applicant argues that the prior art does not have longitudinally extending portions that are laterally spaced. The examiner has included a drawing to more clearly show how Long contains two longitudinal sections (right and left end portions) that are spaced laterally (side by side) from each other. The applicant argues that lateral is to mean "to the side". These sections are spaced to the side and may be understood better by the attached drawing.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK 

4/30/07


  
Carl D. Friedman  
Supervisory Patent Examiner  
Group 3600

FIG. 1

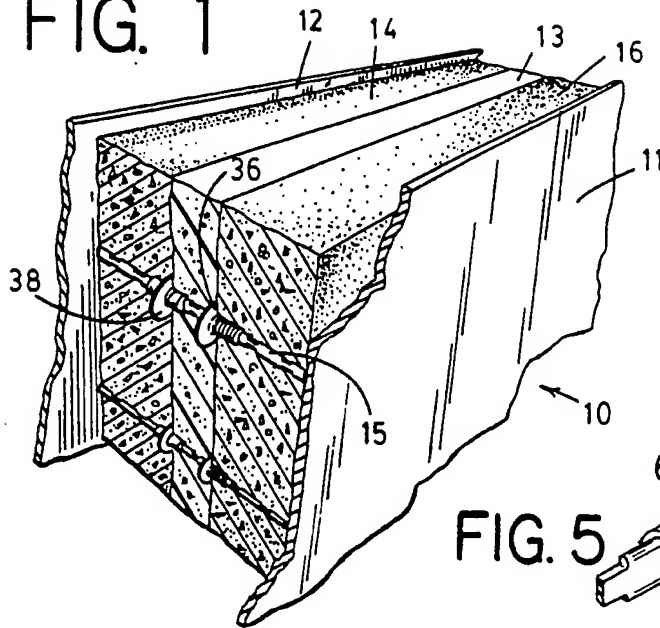


FIG. 3

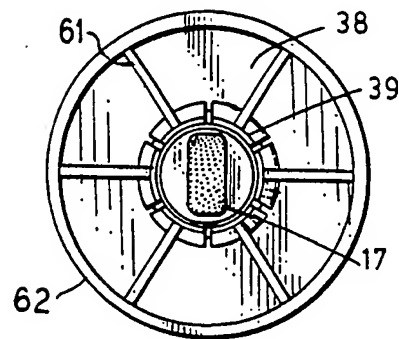


FIG. 5

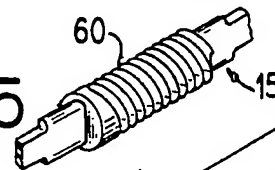


FIG. 4

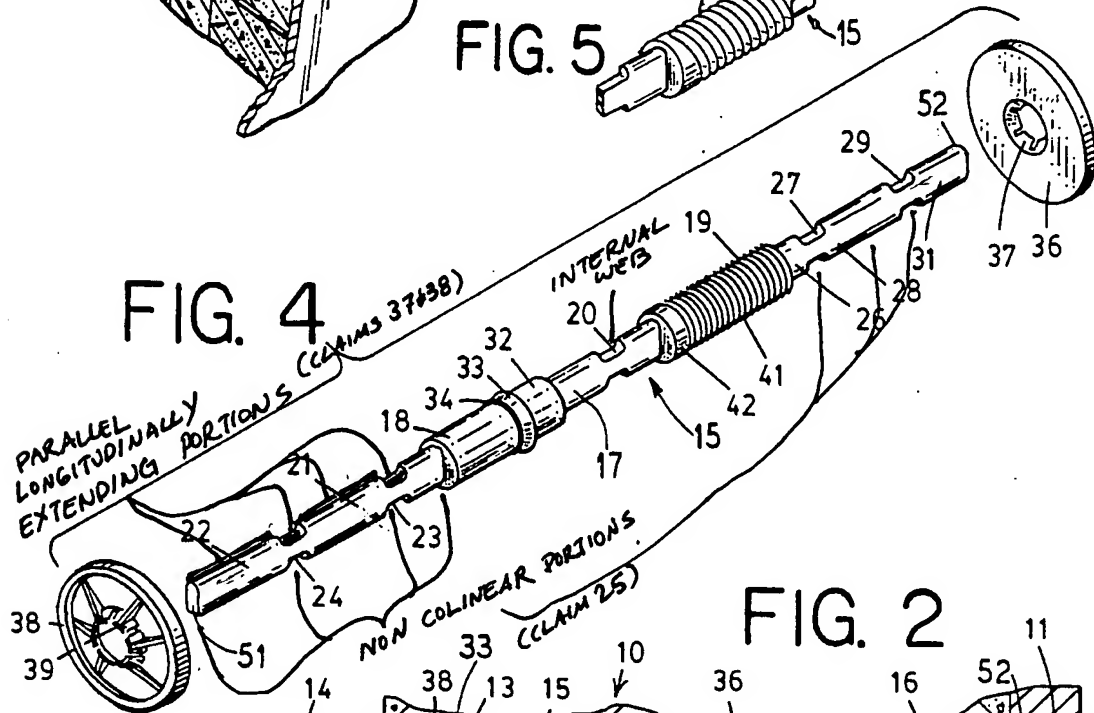


FIG. 2

